



DEFENSE ADVANCED RESEARCH PROJECTS AGENCY  
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FEB 22 2005

DARPA Instruction No. 65

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SUBJECT: Clearance of DARPA Information for Public Release

- References:
- (a) DARPA Instruction No. 65, "Clearance of DARPA Information for Public Release," April 19, 2002 (hereby canceled)
  - (b) "DARPA Security Guide," current edition
  - (c) DARPA Instruction No. 30, "Processing Freedom of Information Act Requests Within DARPA," current edition
  - (d) DoD Directive 5230.24, "Distribution Statements on Technical Documents," March 18, 1987
  - (e) through (s), see enclosure 1

I. PURPOSE

This Instruction rescinds reference (a) and updates policy, responsibilities, and procedures for the clearance of Defense Advanced Research Projects Agency (DARPA) information proposed for public release.

II. APPLICABILITY AND SCOPE

A. This Instruction applies to:

- 1. DARPA personnel and DARPA contractors.
- 2. DARPA information considered for release to the public, domestic or foreign, regardless of media. Examples are documents (paper or electronic), videos, pictures, drawings, public speeches, conferences, video teleconferences, articles for publication, the DARPA External Web Site, or other form. This includes DARPA meetings where the public, domestic or foreign, may be in attendance.

B. This Instruction does not apply to:

- 1. Government-Only Meeting or Conference Material. Information or material presented at meetings or conferences in which the attendees are limited to Government-only or there is a contractual relationship with U.S. citizen attendees. Refer to the DARPA Security Guide (reference (b)) or consult with the Security and Intelligence Directorate (SID) prior to presentations as appropriate when non-U.S. citizens are in

attendance (e.g., Principal Investigator (PI) meetings). However, if information is subsequently to be released to the public, the information shall be cleared in accordance with this Instruction.

2. Freedom of Information Act (FOIA) Requests. Release of information under the FOIA shall be accomplished in accordance with DARPA Instruction No. 30 (reference (c)).

3. Acquisition Information. Acquisition information is released by the Director, Contracts Management Office (CMO).

4. Certain Funding Information. Funding information to be exchanged between DARPA personnel and DARPA contractors does not require clearance for public release. However, such information must be coordinated with the DARPA Comptroller's Office before release. Funding information to be released to the public shall be cleared in accordance with this Instruction.

### III. DEFINITIONS

A. Information. Any communication or representation of knowledge such as facts, data, or opinions in any medium or form.

B. Official DoD Information. All information that is in the custody and control of the Department of Defense, relates to information in the custody and control of the Department, or was acquired by DoD employees as part of their official duties or because of their official status within the Department.

C. Technical Data. Any blueprints, drawings, plans, instructions, computer software and documentation, or other technical information that can be used or be adapted for use to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning such equipment.

D. Technical Review. Review conducted by the DARPA technical expert (Deputy Director, DARPA, or Office Director (OD) or Program Manager (PM)) on information proposed for public release.

E. Security Review. Review conducted by SID Classification Management and International Security Specialists on information proposed for public release to ensure that properly classified information and controlled unclassified technical data, governed by DoD Directives 5230.24 and 5230.25, and the International Traffic in Arms Regulations (ITAR) (references (d), (e), and (f)), are not disclosed.

F. Policy Review. Review conducted by the Special Assistant, External Relations, DARPA, on information proposed for public release to ensure accuracy and currency of existing policy and that no conflict exists with established policies or programs of the DoD or the U.S. Government.

G. Distribution Statement A Request (DISTAR). The DISTAR system is a web-based application designed to improve the efficiency of the public release process. It is a site managed by the Facilities and Administration Directorate (FAD) that allows users to view and access public release case information. Users can quickly submit cases for public release, view case information, and check case status. This solution allows internal personnel to submit information for review, via the intranet, and provides collaboration for the participants in the review process. DISTAR does not alert reviewers when new or revised information is posted.

H. Fundamental Research. Fundamental research (as defined in NSDD 189 (reference (g))) means basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons.

I. Contracted Fundamental Research. Includes grants and contracts that are (a) funded by budget Category 6.1 ("Research"), whether performed by universities or industry or (b) funded by budget Category 6.2 ("Exploratory Development") and performed on-campus at a university. The research shall not be considered fundamental in those circumstances where the 6.2-funded effort presents a high likelihood of disclosing performance characteristics of military systems or manufacturing technologies that are unique and critical to defense, and where agreement on restrictions have been recorded in the contract or grant.

J. DARPA Contractors. Contractors for DARPA funded programs with contracts, grants, agreements and other transactions executed either through the DARPA Contracts Management Office (CMO) or through a DARPA Agent.

K. Quality. An encompassing term comprising utility, objectivity, and integrity.

1. Utility. Refers to the relevance and timeliness of information to its intended users, including the public. In assessing the usefulness of information that is disseminated to the public, DARPA employees need to consider the uses of the information not only from the perspective of DARPA but also from the perspective of the public.

2. Objectivity. Involves two distinct elements, presentation and substance.

a. "Objectivity" includes whether disseminated information is being presented in an accurate, clear, complete, and unbiased manner. The information must also be presented in the proper context.

b. In addition, "objectivity" involves ensuring accurate and reliable information. In a scientific, financial, or statistical context, the original and supporting data shall be generated, and the analytical results shall be developed using sound statistical and research methods.

3. Integrity. Refers to the security of information—protection of the information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification.

#### IV. POLICY

A. A security and policy review shall be conducted in accordance with DoD Directive 5230.9 (reference (j)) on all official DoD information intended for public release that pertains to military matters, national security issues, or subjects of significant concern to the DoD. All DoD unclassified information must be reviewed before it is released to the public or to foreign governments, international organizations, or any other non-U.S. source.

B. Information to be released to the public, to include information to be released on a DARPA publicly accessible Web site in accordance with DARPA Instruction No. 54 (reference (k)), shall be cleared and released in accordance with DoD Directive 5230.9 (reference (j)) and the procedures for public release of DARPA information detailed at enclosure 2.

C. Information proposed for public release; for which DARPA is not the original classification authority, or does not have access to another agency's security classification guide, or is not able to determine the classification level, policy, or ITAR (reference (f)) implications; shall be forwarded to the Director for Freedom of Information and Security Review (DFOISR), Washington Headquarters Services, or the controlling DoD Component for resolution.

D. Fundamental Research

It is DoD policy to allow the publication and public presentation of unclassified contracted fundamental research results (see paragraph III.I. for definition). The mechanism for control of information generated by DoD-funded contracted fundamental research in science, technology, and engineering performed under contract or grant at colleges, universities, and non-government laboratories is security classification. No restrictions may be placed upon the conduct or reporting of federally-funded fundamental research that has not received national security classification, except as provided in applicable U.S. statutes and regulations. Each federal government agency is responsible for: (a) determining whether classification is appropriate prior to the award of a research grant, contract, or cooperative agreement and, if so, controlling the research results through standard classification procedures; and (b) periodically reviewing all research grants, contracts, or cooperative agreements for potential classification.

E. A clearance for public release review is required by DoD Directive 5230.9 (reference (j)) for all public releases by DoD personnel, including all presentations from DoD laboratories. DoD contractors are required to submit proposed presentations for review if that is a specific contractual requirement. Papers resulting from unclassified contracted fundamental research are exempt from republication controls and this review requirement unless published by DoD personnel or placed on a government Web site.

F. All DARPA personnel presenting materials are considered to be official DoD spokespersons by virtue of their rank, position, or expertise. DARPA personnel cannot present anything without clearance for public release first. If DARPA personnel wish to make a presentation or present a paper in a public forum using fundamental research information, or wish to post it on the DARPA external Web site, even if already presented to the public by a university or posted on their Web site, clearance for release of information to the public shall be submitted in accordance with this Instruction and DARPA Instruction No. 54 (reference (k)).

G. DARPA personnel shall use their best judgment when trying to decide on the potential release of information to the public on a given research project. If an OD or PM knows or believes the research could present a high likelihood of disclosing performance characteristics of military systems or manufacturing technologies that are unique and critical to defense, then the research should be classified or ITAR-controlled and exempt from public release.

H. If a potential awardee does not wish to participate because DARPA requires pre-publication review, or places restrictions on public access, then other sources are to be sought. Prime contractors and their subcontractors who have received or will receive an

award to do research work, in which DARPA requires pre-publication review or places restrictions on public access to information, shall be instructed to conform to DARPA's requirements. In addition, Subpart 252.204-7000 of the DFARS (Disclosure of Information) shall be required in awards when contractors will have access to or generate unclassified information that may be sensitive and inappropriate for release to the public.

I. Public Release

1. Public release review is required for information to be released to the public. This includes:

a. Information relating to DARPA programs that is produced by DARPA personnel and DARPA Agents.

b. Information relating to DARPA programs that is produced by DARPA contractors, other than contracted fundamental research.

c. Information produced under classified contracts issued by the DARPA CMO and DARPA Agents.

d. A public release request that contains proprietary information, copyrighted information, privacy data, or data provided by a foreign government. Request for release must include the written approval of each party controlling the information.

e. Information where agreements on restrictions have been recorded in the contract, grant, agreement, or other transaction.

2. No public release review is required for:

a. Contracted fundamental research. This applies to performers only. DARPA personnel shall abide by paragraph IV.F.

b. Information previously cleared for public release unless the information has become obsolete or outdated due to advances in the technology or other circumstances.

3. DARPA Agents will follow the public release clearance process outlined in DD Form 254, "DoD Contract Security Classification Specification," (if the award contains one) unless the agreement, grant, contract or other transaction requires the contractor to obtain public release approval through DARPA. In the absence of a DD

Form 254, or other contractual clause, Agents may follow the process instituted by their activity.

J. Quality of Information Disseminated to the Public

1. Quality Standards

Information released to the public shall be reviewed for quality standards prior to its dissemination. Three substantive terms describe the quality of information disseminated by DARPA: utility, objectivity, and integrity (see definitions).

2. Dissemination

Information to be released to the public shall be judged using the parameters of the quality standards described above prior to requesting clearance of DARPA information for public release.

3. Corrective Action

Affected persons may seek and obtain, when proper documentation is provided, correction of information (maintained and disseminated by DARPA) that does not comply with quality standards. However, DARPA shall determine whether a person, which includes groups, organizations and corporations, is or will be affected by DARPA's information. DARPA may reject claims made in bad faith or without justification and is required to undertake only the degree of correction that DARPA concludes is appropriate for the nature and timeliness of the information involved. Disseminated information shall be corrected to the extent that such information is not accurate, clear, complete or unbiased. Claims must be in writing.

4. Disclaimers

DARPA's and DARPA Offices' external Web sites shall carry the blanket disclaimer shown at enclosure 3. It provides information to the public regarding DARPA quality standards and also outlines the procedures for claims to be submitted by the public.

V. RESPONSIBILITIES

A. Director, DARPA, shall approve policy for the review and clearance of DARPA information for public release.

B. Deputy Director, DARPA, shall resolve technical and consistency issues forwarded for review.

C. Special Assistant, External Relations, DARPA, shall:

1. Manage the approval process for public release of DARPA information.
2. Conduct review of documents to ensure that they are consistent with established national, DoD, and DARPA policies and programs.
3. Determine which information proposed for public release requires clearance by the DFOISR, and forward such information with a recommendation regarding releasability.
4. Obtain additional review by other DoD or Government agencies as appropriate.
5. Grant approval for public release following a full policy, security, and technical review.
6. Determine whether time-sensitive information (i.e., press releases) requires a technical and a security review.
7. Receive complaint reports regarding information that may not comply with quality standards, and resolve in accordance with the procedures outlined in Deputy Secretary of Defense Memorandum (reference (l)).

D. Comptroller shall obtain clearance reviews of budget documents and verify the accuracy of any funding information provided to non-DARPA individuals or organizations.

E. Office Directors or his/her designee (Government employee only) shall approve the content of their information for public release, including revisions—especially with regard to quality standards, accuracy, clearance requirements, sensitivity, and necessary disclaimers—in accordance with the procedures at enclosure 2 and the requirements of this Instruction and DARPA Instruction No. 54 (reference (k)).

F. Director, Contracts Management Office (CMO), shall make public release determinations on all acquisition information, such as Broad Agency Announcements, Requests for Proposals, etc.



G. Director, Facilities and Administration Directorate (FAD), shall:

1. Oversee the administrative process of submitting and tracking information for public release to the Special Assistant, External Relations, DARPA.
2. Ensure cleared information is entered in the DISTAR database for future retrieval and reference.
3. Act as point of contact for Program Managers, contractors, DFOISR, other DoD organizations, and other entities requesting public release approval or coordination on public release requests.
4. Ensure requests are complete and appropriate.
5. Facilitate the clearance process using the DISTAR tracking system, route electronic copy to standard reviewers, and notify requester of approval/denial or amendments of public release request.
6. Reply to status requests.
7. If specified by the Special Assistant, External Relations, prepare request for DFOISR review and track status.
8. Obtain coordination of other in-house reviewers as specified by SID or Special Assistant, External Relations, or Program Managers.
9. Prepare workload and status reports for management and specialized reports as requested.
10. Maintain database of information that has been submitted for clearance for public release and the resolution of each action.
11. Maintain an electronic copy of all publicly released documents for ready access. The electronic copy will be placed in a document library for retrieval by any DARPA employee/contractor with access to DARPA's local area network.

H. Director, Security and Intelligence Directorate (SID), shall oversee the security review process.

I. DARPA Program Managers shall:

1. In accordance with paragraph IV.D., as it relates to fundamental research, (a) determine whether classification is appropriate prior to the award of a research grant, contract, or cooperative agreement and, if so, control the research results through standard classification procedures; and (b) periodically review all research grants, contracts, or cooperative agreements for potential classification.

2 Perform a technical review and assign a preliminary distribution statement on technical documents, in accordance with the DARPA Security Guide and DoD Directive 5230.24 (references (b) and (d)), prior to a recommendation for public release. Guidelines to assist in performing a proper technical review are in enclosure 4.


3 Ensure that information proposed for public release by the Program Manager or their contractors, and produced for or as a result of their program(s), meets quality standards and receives clearance for public release in accordance with this Instruction.

4 Submit information to be cleared for public release using the DISTAR database in accordance with the procedures at enclosure 2.

J. All other Government personnel who wish to release information to the public shall follow the policies and procedures outlined in this Instruction.

VI. EFFECTIVE DATE

This Instruction is effective immediately.

  
Anthony J. Tether  
Director

Enclosures—4

1. References, continued
2. Procedures for Public Release of DARPA Information
3. Quality of Information Disclaimer
4. Guidelines for Technical Reviewers

## E1. ENCLOSURE 1

### REFERENCES, continued

- (e) DoD Directive 5230.25, "Withholding of Unclassified Technical Data From Public Disclosure," November 6, 1984
- (f) "International Traffic in Arms Regulations (ITAR)," Department of State, November 1989
- (g) National Security Decision Directive (NSDD) 189, "National Policy on the Transfer of Scientific, Technical, and Engineering Information," September 21, 1985
- (h) DoD Instruction 5230.27, "Presentation of DoD-Related Scientific and Technical Papers at Meetings," October 6, 1987
- (i) DoD Directive 3200.12, "DoD Scientific and Technical Information (STI) Program (STIP)," February 11, 1998
- (j) DoD Directive 5230.9, "Clearance of DoD Information for Public Release," April 9, 1996
- (k) DARPA Instruction No. 54, "DARPA Web Site Administration," current edition
- (l) Deputy Secretary of Defense Memorandum, "Ensuring Quality of Information Disseminated to the Public by the Department of Defense," February 10, 2003
- (m) DoD Instruction 5230.29, "Security and Policy Review of DoD Information for Public Release," August 6, 1999
- (n) DoD 5220.22-M, "National Industrial Security Program Operating Manual," January 1995
- (o) DoD 5200.1-R, "Information Security Program," January 1997
- (p) Under Secretary of Defense for Intelligence Memorandum, "Interim Information Security Guidance," April 16, 2004
- (q) Public Law 90-629, "Arms Export Control Act," October 22, 1968, as amended (22 U.S.C. 2751 et. seq.)
- (r) Public Law 96-72, "The Export Administration Act of 1979 (EAA)," (50 U.S.C. 2401 et. seq.), September 29, 1979, as amended

## E2. ENCLOSURE 2

### PROCEDURES FOR PUBLIC RELEASE OF DARPA INFORMATION

1. Prior to submission, requests for public release of information are to be reviewed by the requester to determine if clearance is necessary or appropriate. The requester should identify any previously cleared information, or information that does not require clearance because there has been no substantive change in content of previously cleared information.
2. If information proposed for public release is not submitted to the DARPA Technical Information Office (TIO) a minimum of 20 working days prior to the date required, clearance may not be achieved. Exceptions to 20 working days must be approved by the Special Assistant, External Relations. (Extra time may be needed for coordination of information affected by length, complexity, content, or other agency coordination.) TIO will immediately inform the originating office when cleared or status if more extensive review or outside agency review is required.
3. Full and final text of information proposed for release shall be submitted to the DARPA TIO via DISTAR (Distribution Statement A Request). Upon entering DISTAR, users will attach the information proposed for release and provide the data shown on the attachment to this enclosure.
4. TIO will then send an e-mail to the Program Manager requesting a technical review and security certification. See Guidelines for Technical Reviewers at enclosure 4. Responses must be filed in DISTAR prior to routing for security and policy reviews, and the response can only be from the Program Manager.
5. When briefing slides are received without accompanying text (briefer's word-for-word script), the briefer will be contacted by security representatives and the Special Assistant, External Relations, to discuss the slides. The briefer will be informed that the security review and the recommendation for public release will be based on the material depicted on the slides. Notes, outlines, briefing slides, etc., may not be submitted as a substitute for a complete text.
6. Abstracts published in advance of a completed paper, manuscript, etc., require public release. Clearance of an abstract does not fulfill the requirement to submit the full text before publication. If an abstract is cleared in advance of the completed document, the public release request for the completed document shall include the fact the abstract was cleared and the case number assigned to the abstract.
7. When the DARPA TIO receives a public release request with all required information, the information will be suspended in the DISTAR system, and action sent to

SID via DISTAR and to the Special Assistant, External Relations. If a request for public release is submitted to another DoD Component, an outside agency, or the Director for Freedom of Information and Security Review (DFOISR), Washington Headquarters Services, for further review, the requester will be notified by the DARPA TIO.

8. When all parties have completed their review, the requester will be notified by the DARPA TIO of the case number, clearance date, and the results of the review. If approved "as amended," the revised electronic document must be submitted to DISTAR in order to obtain final approval for public release. Should the Program Manager or DARPA office disagree with decisions made on a request concerning DARPA-developed information, the request will be submitted through the Office Director and the Director, SID, to the Special Assistant, External Relations. If the issue cannot be resolved, the Special Assistant, External Relations will present it to the Deputy Director, DARPA, for resolution. If the request in dispute involves information developed by other agencies, the final resolution must be made by DFOISR.

9. Should a determination be made that the information is classified, SID will supervise the sanitation of the affected computer systems and provide direction to the originating office on retrieving and safeguarding the classified information in question.

Attachment

E2.A1. DISTAR Submission Information



### E3. ENCLOSURE 3

#### QUALITY OF INFORMATION DISCLAIMER

##### **Information Review**

The Department of Defense strives to incorporate basic information quality standards (objectivity, utility, and integrity) into the information it disseminates to the public. DARPA, as a DoD agency, fully supports this policy. As part of that support we thoroughly review all information provided on this Web site prior to publication.

Despite our best intentions, we recognize that there may be times when the information presented on our site could appear to be inaccurate, unclear, incomplete, or biased to an individual or organization. Therefore, we are providing a means for individuals or organizations to address their concerns to DARPA if they believe that the standards described above have not been satisfied. Each claim submitted must:

- be in writing (use of electronic mail is encouraged but not required),
- be relatively brief and straightforward, and
- contain, as a minimum:
  - the name of the originating individual and organization,
  - the location of the information on our Web site,
  - a description of the information proposed to be corrected,
  - the perceived reason for failure to be compliant with the standards described above,
  - a copy of any available documentation supporting the request, and
  - information supporting the contention that the complainant is affected by the information as presented.

E-mails should be sent to [informationreview@darpa.mil](mailto:informationreview@darpa.mil). Written correspondence should be addressed to:

DARPA  
Attn: Information Review Office  
3701 Fairfax Drive  
Arlington, VA 22203-1714

## E4. ENCLOSURE 4

### GUIDELINES FOR TECHNICAL REVIEWERS

There are a variety of reasons why something should not be released to the public. Below are some issues/areas that must be considered when performing a technical review.

**Classification.** If the material is associated with a classified program, review the program's security classification guide to ensure that all material is unclassified.

**Possible Jeopardy to U.S. National Security.** The following information is not appropriate for public release--material that: (a) divulges data that could be used to facilitate the development of countermeasures to U.S. systems; (b) includes details on processes and/or designs that could adversely impact on the U.S. economic advantage; (c) includes details on processes and/or designs that could adversely impact the security of sensitive technology; or (d) discusses programs that will be militarily deployed in the near future.

**Benefit to an Adversary.** Material that could benefit an adversary (i.e., help develop more potent pathogens or pathogens that could not be detected, allow synthesis of pathogens, etc.) is not appropriate for public release.

**Controlled Unclassified Information.** Information to which access or distribution limitations have been applied or official government information that has been determined by designated officials to be exempt from public disclosure under the Freedom of Information Act (FOIA) is not appropriate for public release.

**Material that Relates to a Sensitive Topic.** Military applications, nuclear, chemical-biological, space, infectious diseases, internal personnel rules and practices, or personal information affecting an individual's privacy may not be appropriate for public release. Review very carefully, especially with regard to items on this list.

**International Traffic in Arms Regulations (ITAR) Information.** Material governed by the Arms Export Control Act (AECA) and controlled by the International Traffic in Arms Regulations (ITAR) (i.e., critical technology applicable to military or space applications found on the Munitions List) is not appropriate for public release. Queries related to ITAR should be referred to SID/International Security at (571) 218-4227 or [sid\\_international\\_security@darpa.mil](mailto:sid_international_security@darpa.mil).

**Other Equities.** Material that contains equities belonging to another national security organization (Air Force, Navy, Army, Marine Corps, Intelligence Community, etc.) must be reviewed by the other organization(s). This includes: (a) names of personnel



employed by a DoD or Intelligence organization other than DARPA (including the name of the Agent for a program); (b) military weapons systems information not already in the public domain; and/or (c) information relating the capability or shortcomings of operational military systems. Highlight this information during your review.

**Company Proprietary Information.** Information that is determined to be company proprietary is not appropriate for public release.

**Quality Standards.** The following material must adhere to federal quality standards (utility, objectivity, and integrity): (a) material authored by a DARPA contractor that DARPA plans to present or publish on the Web or in a CD, etc.; and (b) material authored and presented by DARPA personnel. Federal quality standards are outlined in DARPA Instruction No. 65. Material authored and presented by a DARPA contractor does not require review for adherence to federal quality standards.

**Copyrighted Information.**

- Information to be presented or published by DARPA personnel cannot include copyrighted material—the copyrighted material must be deleted, or written permission obtained from the copyright holder to reproduce the copyrighted material each time it is used. This includes instances where DARPA is publishing (on the web or in a CD) or presenting slides authored by a DARPA contractor.
  - The following information is usually copyrighted and would have to be deleted: (a) pictures of magazine covers; (b) pictures of entire magazine or newspaper articles or pages; (c) pictures, graphs (including data figures) or other images taken from technical journals, magazines, or Web sites.
  - DARPA personnel can obtain amplifying information on copyright issues from the Special Assistant, External Relations.
- Reviewers do not need to delete copyrighted information contained in information that is to be published or presented by a non-DARPA employee.

**Company Logos.** Information to be presented or published by DARPA personnel can include company logos only if the company is a DARPA-funded contractor. All other company logos are not appropriate for public release and must be deleted. (Reviewers do not need to delete company logos contained in information that is to be published or presented by a non-DARPA person.)